

HOUSE BILL 3601

By McManus

AN ACT to amend Tennessee Code Annotated, Title 12,
Chapter 4, Part 1, relative to construction
management.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 12-4-106(a), is amended by adding
the following language as a new subdivision (3):

(3)

(A) Construction management agent and/or advisor services that
are provided for a fee and that involve preconstruction and construction
administration and management services are deemed to be professional
services and may be performed by a qualified person or entity licensed
under title 62, chapter 6. A contract for such services shall not be based
upon competitive bids, but shall be awarded on the basis of recognized
competence and integrity and to the best qualified and responsive
proposer pursuant to this section.

(B) A construction manager who provides construction
management services in accordance with this subdivision must be a
contractor licensed in Tennessee.

(C) Notwithstanding the provisions of subdivision (3)(A),
construction work that is under the coordination and oversight of a
construction manager pursuant to this section shall be procured through
competitive bids.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring
it.